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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/945,540  | 08/29/2001  | John Raymond Arthur  | DEE6270P0180US      | 1886             |
| 41528   | 7590        | 02/14/2005           | EXAMINER            |                  |
| THE LAW OFFICE OF RANDALL T. ERICKSON, P.C.<br>425 WEST WESLEY STREET, SUITE 1<br>WHEATON, IL 60187 |             |                      | PEDDER, DENNIS H    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3612                |                  |

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/945,540             | ARTHUR ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Dennis H. Pedder       | 3612                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1/10 & 28/2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14, 16-19 and 21-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-14, 16-18, 22-24, 30 and 35-42 is/are allowed.  
 6) Claim(s) 19, 21, 25-29 and 31-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the side member arranged at least partially within one said recess, claim 1, being secured within said recessed rails, claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The figures 5-7 obscure and do not illustrate this detail.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 lacks clear antecedent for “said recessed rails” as none are recited.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- a. Claims 25, 31-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Harris. Harris, cited by applicant, has a utility vehicle.

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Harris has integral floor 35 and fender structure 36 substantially composed plastic material and supported on a chassis 25, the floor and fender structure having recesses 63/72 with a concave upwardly open recess with open tops closed sides and bottoms and additional extensions at inner and outer sides, a metal cab frame structure 22 shown in cross section with bottom side members 52, figure 3, secured to the extensions of the recesses, figure 5. The side members of Harris are not secured within the recessed rails as the rivets 100 are short of the recesses. It would have been obvious to one of ordinary skill to provide in Harris longer rivets to extend within the recess 72 in order to better secure the side members.

As to claim 31, Harris discloses a road tractor.

3. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

As to claim 34, adhesive securement is common knowledge in the art, obvious to use here to increase retention.

As to claim 33, recessed rails for electrical and mechanical chases are common knowledge in the art, obvious to use here to avoid stepping on wires and linkage.

4. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Taylor.

It would have been obvious to one of ordinary skill to provide in Harris a contoured floor body panel as taught by Taylor with fiberglass laminated between top and bottom layers of plastic material, RIM being a process not given patentable weight in a product claim, in order to strengthen the floor.

As to claim 26, Taylor has rail portions at side edge extending into the foot area.

As to claim 28, Taylor's plastic is deemed substantially homogeneous.

As to claim 26, see shelf at 35c of Harris.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Bonnet et al.

It would have been obvious to one of ordinary skill to provide in Harris a contoured body floor panel with integral raised areas for forming door and window sealing surfaces as taught by Bonnet et al. in figure 2. Such features form an extended sealing interface for door and window seals.

***Response to Arguments***

6. Applicant's arguments filed 1/10/2005 have been fully considered but they are not persuasive. Please see the detailed action above.

***Allowable Subject Matter***

7. Claims 1-14, 16-18, 22-24, 30, 35-42 are allowed.
8. Claims 19, 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter:  
Claim 1 is allowed for the limitation that the side member is arranged within the recess. Claim 30 is allowed for the limitation of bottom side members of the cab frame and floor and fender structure recesses as claimed. The reference to White of record lacks the bottom side members located as claimed. The claim 19 is indicated as having allowable subject matter in side

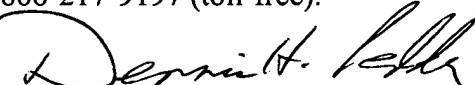
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members connecting the front and rear columns in combination with the recessed rails, assumed to be of the floor and fender structure, not yet recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

DHP  
2/11/2005

